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Lillian Andrelezyk
EPA
1650 Arch Street - 10th Floor
3LC50
Philadelphia, PA 19103



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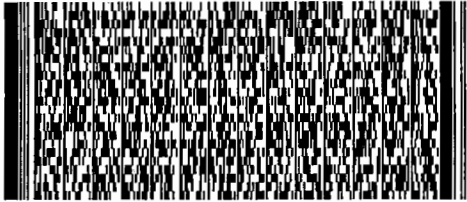
Andrew Ma
Rick Cochran
Smithsonian Inst Air & Space Museum
14390 AIR AND SPACE MUSEUM PKWY

CHANTILLY, VA 20151

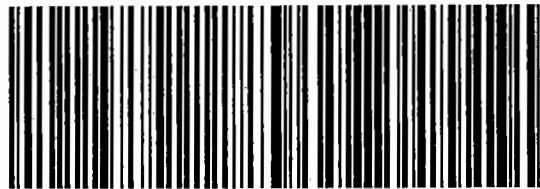
Ref # Andrew Ma 215 814-3429
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FED EX

APR 14 2009

Rick Cochran
Smithsonian Institution Air & Space Museum
Udvar-Hazy Center
14390 Air & Space Museum Parkway
Chantilly, VA 20151

Re: Notice of Violation
Compliance Evaluation Inspection
December 3, 2008
EPA ID No. VAR000507350

Docket No.: R3-08-NOV-RCRA-25

Dear Mr. Cochran:

On December 3, 2008, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of the Smithsonian Institution National Air and Space Museum ("NASM") Udvar-Hazy Center ("Facility") located in Chantilly, Virginia under the federally authorized Commonwealth of Virginia Hazardous Waste Management Regulations ("VaHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the CEI, EPA has determined that the NASM Udvar-Hazy Center has violated regulations under VaHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"): The specific violation(s) are:

1. During the inspection of the Facility's Main Electrical Room, the inspector observed one spent fluorescent lamp stored in an unlabeled open box (See Photo #2) in violation of 40 CFR § 273.13(d)(1) and 273.14(e), which requires that spent fluorescent bulbs be accumulated in closed packaging or containers, and that each package or container be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)," or "Used Lamp(s)."
2. The EPA inspector noted that the open box of universal waste lamps was not marked or labeled with the accumulation start date in violation of 40 CFR §273.15(c)(1), which requires that containers of universal waste be labeled with the accumulation start date.

A copy of the CEI report, documenting the findings of the inspectors, is enclosed for your information.

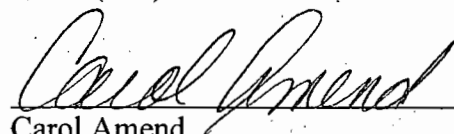
Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are

ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$32,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (215) 814-3429.



Carol Amend
Associate Director
Office of Land Enforcement
Land & Chemicals Division

4/14/09
Date

Enclosures

cc: A. Ma (3LC70)
T. DiFiore (3LC70)
L. Romanchik (VADEQ)

Andrew Ma
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103

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Carol Amend
Associate Director
Office of Land Enforcement
Land & Chemicals Division

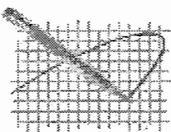
Date

Enclosures

cc: A. Ma (3LC70)
T. DiFiore (3LC70)
L. Romanchik (VADEQ)

CONCURRENCES

BOL ▶	3LC70	3LC70						
NAME	A. Ma <i>AM</i>	K. Co <i>200</i>						
DATE	4/17/09	4/19/09						



Lillian
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04/16/2009 08:55 AM

To Andrew Ma/R3/USEPA/US@EPA

cc

bcc

Subject Fw: FedEx Shipment 796521535819 Delivered

Lillian Andrelczyk
US EPA Region III
Land and Chemicals Division
Office of State Programs Branch (3LC50)
1650 Arch Street, 10th Floor
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Work: 215 814-2081
Fax: 215 814-3163
andrelczyk.lillian@epa.gov

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Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Deliver Weekday

Tracking number:

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Shipper Information

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EPA

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Recipient Information

Rick Cochran

Smithsonian Inst Air & Space Museum

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